

Remarks

With the exception of § 103(a) rejections over the Wilkerson reference (U.S. Patent No. 7,143,272), the Advisory Office Action dated October 28, 2008, indicates that the objections and rejections as noted in the Office Action dated August 6, 2008, are withdrawn. Thus, the only rejections remaining are the § 103(a) rejections, namely: claims 1-6, 8-9 and 11-15 over the '272 reference; claims 7 and 15 over the '272 reference in view of the Chang reference ("Improving Branch Prediction Accuracy by Reducing Pattern History Table Interference"); claims 10 and 16 over the '272 reference in view of the LeFevre reference (U.S. Patent No. 6,854,066); and claims 17-20 over the '272 reference in view of the Kime reference ("Logic and computer design fundamentals").

Applicant maintains the previously presented rationale for traversing these rejections under 35 USC § 103(a) and submits that the Examiner's position is implausible. As previously explained, the claims must be read in light of Applicant's specification which explains, with examples, of what system activity includes and does not include. Thus, the Examiner's interpretation of system activity is improper because it is inconsistent with Applicant's specification. Per M.P.E.P. § 2111, the interpretation of pending claims must be consistent with the specification. The Examiner's interpretation encompasses branch history and computation histories. Applicant's specification, however, distinguishes such branch histories from activity monitoring (*see, e.g.*, paragraphs 0006-0014). Because the proposed interpretation by the Examiner would not permit a skilled artisan to read the claims consistent with Applicant's specification, the Examiner's proposed interpretation is flawed and the rejection must be withdrawn.

Notwithstanding, Applicant has amended each of claims 1 and 8 as suggested by the Examiner in order to remove this improper rejection and to permit the application to progress toward issuance without further unneeded delays. In this context, Applicant notes that the amendment maintains the scope of the claims as originally-discussed in Applicant's specification and as well as in the file history.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone,

the Examiner is asked to contact the agent overseeing the application file, David Cordeiro, of NXP Corporation at (408) 474-9068.

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